

AMENDED IN SENATE AUGUST 18, 2014

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN ASSEMBLY MAY 13, 2014

AMENDED IN ASSEMBLY MAY 6, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1930

Introduced by Assembly Member Skinner
(Coauthor: Senator Liu)

February 19, 2014

An act to add Section 18901.11 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1930, as amended, Skinner. CalFresh: student eligibility.

Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, households are eligible to receive CalFresh benefits to the extent permitted by federal law. Existing federal law provides that students who are enrolled in college or other institutions of higher education at least half time are not eligible for SNAP benefits unless they meet one of several specified exemptions, including participating in specified employment training programs.

~~Existing law establishes the Community College Extended Opportunity Programs and Services (EOPS) to encourage local community colleges to establish and implement programs directed to identifying those students affected by language, social, and economic handicaps, and to assist those students to achieve their educational objectives and goals, including, but not limited to, obtaining job skills, occupational certificates, or associate degrees, and transferring to 4-year institutions.~~

~~This bill would require county human services agencies, in determining the eligibility and benefit level of a student for CalFresh benefits, to consider all potential exemptions using a specified protocol. The bill would provide that, for the purposes of determining eligibility, the EOPS program is a specified *certain educational programs, as determined by the State Department of Social Services, shall be considered employment training program, programs*, thereby qualifying a student participating in the EOPS program *one of those programs* for an exemption, unless prohibited by federal law. The bill would also require the State Department of Social Services, in consultation with representatives from other specified organizations, to establish a protocol to identify and ~~grant~~ *verify* all potential exemptions and to identify and verify participation in the EOPS program and other educational programs, including self-initiated placements, that would qualify a student for an exemption. The bill would require the department to implement these provisions by all-county letters or similar instructions beginning no later than October 1, 2015, until regulations are adopted, and would require the department to adopt regulations on or before October 1, 2017. The bill would require the department to seek and obtain federal approval, as specified, prior to publishing that guidance or regulation, if the United States Department of Agriculture requires federal approval. By imposing new duties on county welfare departments, this bill would create a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to increase
2 college graduation rates of low-income Californians and to reduce
3 the incidence of economic hardship and hunger among low-income
4 college students.

5 SEC. 2. Section 18901.11 is added to the Welfare and
6 Institutions Code, to read:

7 ~~18901.11. (a) In determining the eligibility and benefit level~~
8 ~~of a student subject to the eligibility rule described in Section~~
9 ~~273.5(a) of Title 7 of the Code of Federal Regulations, county~~
10 ~~human services agencies shall consider all potential exemptions~~
11 ~~described in Section 273.5(b) of Title 7 of the Code of Federal~~
12 ~~Regulations, using the protocol established pursuant to subdivision~~
13 ~~(e).~~

14 (b)

15 ~~18901.11. (a) For the purposes of Section 273.5(b)(11)(ii) of~~
16 ~~Title 7 of the Code of Federal Regulations, the Community College~~
17 ~~Extended Opportunity Programs and Services established pursuant~~
18 ~~to Article 8 (commencing with Section 69640) of Chapter 2 of~~
19 ~~Part 42 of Division 5 of Title 3 of the Education Code an~~
20 ~~educational program that could be a component of a CalFresh~~
21 ~~E&T program described in Section 18926.5, as identified by the~~
22 ~~department, shall be considered an employment and training~~
23 ~~program established pursuant to under Section 273.7 of Title 7 of~~
24 ~~the Code of Federal Regulations, unless prohibited by federal law.~~

25 (e)

26 (b) The department shall, in consultation with representatives
27 of the office of the Chancellor of the California Community
28 Colleges, offices of the Chancellor of the California State
29 University, University of California Chancellors' offices, the
30 California Workforce Investment Board, county human services
31 agencies, and advocates for students and clients, establish a
32 protocol to identify and ~~grant~~ *verify* all potential exemptions to the
33 eligibility rule described in Section 273.5(a) of Title 7 of the Code
34 of Federal Regulations, and to identify and verify participation in
35 ~~the Community College Extended Opportunity Programs and other~~
36 ~~educational programs, including, but not limited to, self-initiated~~
37 ~~placements, that would exempt a student from the eligibility rule~~
38 ~~described in Section 273.5(a) of Title 7 of the Code of Federal~~

1 Regulations. To the extent possible, this consultation shall take
2 place through existing workgroups convened by the department.

3 ~~(d)~~

4 (c) If the United States Department of Agriculture requires
5 federal approval of the exemption designation established pursuant
6 to subdivision~~(b)~~ (a) and the protocol established pursuant to
7 subdivision~~(e)~~; (b), the department shall seek and obtain that
8 approval before publishing the guidance or regulation required by
9 subdivision~~(f)~~; (e).

10 ~~(e)~~

11 (d) (1) This section does not require a county human services
12 agency to offer a particular component, support services, or
13 worker's compensation to a student found eligible for an exemption
14 pursuant to this section.

15 (2) This section does not restrict or require the use of federal
16 funds for the financing of CalFresh E&T programs.

17 (3) This section does not require a college or university to
18 provide a student with information necessary to verify eligibility
19 for CalFresh.

20 ~~(f)~~

21 (e) Notwithstanding the rulemaking provisions of the
22 Administrative Procedure Act (Chapter 3.5 (commencing with
23 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
24 Code), the department shall implement this section by all-county
25 letters or similar instructions beginning no later than October 1,
26 2015, until regulations are adopted. The department shall adopt
27 regulations implementing this section on or before October 1,
28 2017.

29 ~~SEC. 3. If the Commission on State Mandates determines that~~
30 ~~this act contains costs mandated by the state, reimbursement to~~
31 ~~local agencies and school districts for those costs shall be made~~
32 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
33 ~~4 of Title 2 of the Government Code.~~